

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Arizona State Office
One North Central Avenue, Suite 800
Phoenix, Arizona 85004-4427

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EMS TRANSMISSION 5/1/2012
Instruction Memorandum No. AZ-2012-025
Expires: September 30, 2014

To: District Managers, Field Managers

From: State Director

Subject: Guidance on Management of Mineral Materials Trespass Funds (5320)

Purpose: To provide guidance on managing the existing 5320 funds as well as future Mineral Material Trespass payments.

Policy/Action:

1. The Lands and Minerals Group (9310) will initially receive all 5320 funds collected as a result of mineral material trespass payments and they will be placed in the 5320 MINL account. Fifty (50) percent of the collected funds will go to the office that discovered and processed the trespass.

2. The remaining 50 percent of the collected funds will be held by the Bureau of Land Management (BLM) Arizona State Office (ASO) and distributed as needed to those offices that have an appropriate need for use of the funding.

a) Field Offices (FOs) will submit a proposal to the ASO for expenditures of 5320 funds.

b) The ASO will prioritize the proposals based on the project and Fiscal Year strategies.

3. Prioritization for distribution of funds will be based on the BLM Washington Office direction as follows:

a) Repair and restoration of damages at the mineral material trespass site that cannot be reclaimed by the permittee;

- b) Identification and investigation of suspected mineral material trespasses;
 - c) Increased inspection and enforcement and production verification of sites with a high potential for mineral material trespass;
 - d) Repair and restoration of damages at other mineral material sites in Arizona, whose bond did not cover reclamation and the remainder of reclamation costs cannot be recovered from the permittee;
 - e) Providing start-up costs and initial funding for up to 50 percent of the estimated reclamation costs for existing and new community pits and common use areas in Arizona, and;
 - f) Other damaged land sites that are imminent threats to the environment or public safety, but not sites that have their own source of funding such as abandoned mine lands.
4. Submitting offices should identify project proposals using the following format:
- a) Project Name, Site Location (legal description).
 - b) Background information on the site (what type of disturbance exists, who was responsible, when was the site disturbed, what was the cause of the disturbance, and potential risk from non-action).
 - c) Provide a detailed proposal concerning what type of reclamation activity will be needed, proposals for prevention of further damage, and any special protection issues for the site.
 - d) Estimated costs of the identified reclamation, prevention and protection proposals.
 - e) Proposed method for accomplishing the reclamation, prevention, or protection efforts (i.e. contracting, partnerships, volunteers, etc.).
 - g) Other information:
 - 1) specific resource values affected,
 - 2) erosion potential,
 - 3) challenge cost share potential,
 - 4) topographic map of site, photo(s), etc.
5. FO Managers need to justify requests for labor expenses for trespass prevention, identification, and processing. This justification should identify the trespass site(s), and the amount of time estimated to resolve the trespass(es).

Timeframe: This policy is effective immediately.

Budget Impact: The 5320 funds will be available to all BLM offices within Arizona on an as-needed basis with adequate justification.

Background: Mineral Material trespass funds, known as 5320 funds, need to be used in accordance with the H-9235-1 Mineral Material Trespass Prevention and Abatement handbook. Some offices have significant trespass cases that have been or will be processed resulting in large sums of funds being received by the BLM. The primary expenditures of these funds should be used to reclaim orphaned mineral material sites, other damaged land sites, and for labor to prevent, identify and process mineral material trespass situations. Some BLM FOs have orphaned mineral material sites, but do not have the necessary funds to reclaim them. Retaining a portion of the 5320 funds at the BLM ASO will afford these offices the opportunity to petition for funds to reclaim these sites and for labor expenditures needed to prevent, identify and process mineral material trespasses.

Manual/Handbook Sections Affected: None.

Contact: Fred Conrath at 602-417-9225.

Signed:
Raymond Suazo
State Director

Authenticated by:
Lyn-Ayn Muehring
Staff Assistant